

**CHAPTER NO. 621**

**SENATE BILL NO. 2255**

**By Rochelle**

Substituted for: House Bill No. 2453

By David Davis

AN ACT To amend Tennessee Code Annotated, Title 63, Chapter 27, relative to respiratory care.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-27-102, is amended by deleting subdivisions (5) and (6) in their entirety and by substituting instead the following:

(5) "Certified respiratory therapist" means any person who has obtained the credential "Certified Respiratory Therapist" (CRT) or the credential "Certified Respiratory Therapy Technician" (CRTT) from the National Board for Respiratory Care.

(6) "Registered respiratory therapist" means any person who has obtained the credential "Registered Respiratory Therapist" (RRT) from the National Board for Respiratory Care.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 27, is amended by deleting the language "respiratory technician" or "technician" wherever it may be found and by substituting instead the language "certified respiratory therapist".

SECTION 3. Tennessee Code Annotated, Title 63, Chapter 27, is amended by deleting the language "respiratory therapist" or "therapist" wherever it may be found and by substituting instead the language "registered respiratory therapist".

SECTION 4. Tennessee Code Annotated, Section 63-27-104(2), is amended by adding the following words and punctuation between the word "assistants" and the semicolon at the end of such subdivision:

The board may limit, restrict, or impose one (1) or more conditions on a license at the time it is issued, renewed, reactivated, or reinstated

SECTION 5. Tennessee Code Annotated, Section 63-27-104, is amended by designating the existing language as subsection (a), and by adding the following language as new subsection (b):

(b) The board is authorized to issue advisory private letter rulings to any person licensed under this chapter who makes such a request regarding any matters within the board's primary jurisdiction. Such private letter ruling shall affect only the licensee making such inquiry and shall have no precedential value for any other inquiry or future contested case to come before the board. Any dispute regarding a private letter ruling may, if the board chooses to do so, be resolved pursuant to the declaratory order provisions of § 4-5-223.

SECTION 6. Tennessee Code Annotated, Section 63-27-109, is amended by deleting the language of subsection (a) in its entirety and by substituting instead the following:

(a) Every licensed respiratory care practitioner shall obtain, during each calendar year, at least ten (10) hours of continuing professional respiratory care education which meets the guidelines established for such continuing education by the rules of the board. Each licensed practitioner shall maintain written proof of obtaining such continuing education for a period of at least three (3) years and shall, upon request, make such proof available to the board or the division.

SECTION 7. Tennessee Code Annotated, Section 63-27-110(a)(1), is amended by adding the word "or" after "certified;" at the end of subdivision (A), by substituting a period for the semicolon and deleting the word "or" at the end of subdivision (B), and by deleting the language of subdivision (C).

SECTION 8. Tennessee Code Annotated, Section 63-27-110, is amended by deleting subsection (d) in its entirety and by substituting instead the following:

(d) Nothing in this chapter shall be construed as prohibiting the practice of respiratory care by students while they are under the supervision of instructors in any respiratory care educational program which has been approved by the Commission on Accreditation of Allied Health Education Programs (CAAHEP), or its successor organization, so long as the students' activities are not performed for compensation and so long as the students wear an appropriate badge indicating their status as students.

SECTION 9. Tennessee Code Annotated, Section 63-27-112, is amended by adding the following language as a new subsection (d):

(d) The chair of the board shall have the authority to administer oaths to witnesses and, upon probable cause being established, to issue subpoenas for the attendance of witnesses and the production of documents and records.

SECTION 10. Tennessee Code Annotated, Section 63-27-114, is deleted in its entirety.

SECTION 11. Tennessee Code Annotated, Section 63-27-115, is amended in subdivisions (1)(B) and (2)(B) by deleting the words "practitioner's certificate" and by substituting instead the word "license".

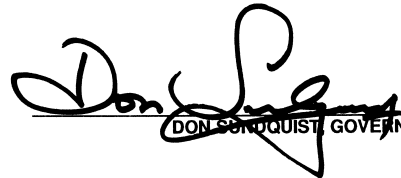
SECTION 12. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: March 27, 2000**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 5th day of April 2000**

  
DON SUNDQUIST, GOVERNOR